

January 14, 2016

The Honorable Gina M. Raimondo
Governor of Rhode Island
Providence, RI 02903

Dear Governor Raimondo:

I am writing to bring your attention to the need to ensure long-term programmatic stability for the Rhode Island Agreement State Program (the Program), which requires that adequate staffing for the Center for Health Facilities and Regulations Radiation Control Program be maintained. I am requesting your support in the Program's effort to address this issue.

On January 1, 1980, former Governor J. Joseph Garrahy entered the State of Rhode Island into an Agreement with the U.S. Nuclear Regulatory Commission (NRC), pursuant to Section 274b. of the Atomic Energy Act. Under this Agreement, the State of Rhode Island committed to establish a radiation control program that adequately protects the health and safety of Rhode Island's citizens from the potential hazards associated with the use of radioactive materials. Additionally, the Rhode Island Fiscal Year 2008 Budget Act, which became effective July 1, 2007, created a restricted receipts account for deposit of the Program's licensing fees. The dedicated fund in the restricted receipt account for the Program allows the radioactive materials program to be financially self-sufficient, recovering associated costs through licensing fees.

Experience from interacting with Agreement States over the last couple of decades has demonstrated that the maintenance and retention of qualified staff is among the most important aspects of a successful program. Many Agreement State programs experience difficulty maintaining an adequate number of qualified staff for a variety of reasons. Nonetheless, with the increased focus on the safety and security of radioactive materials, having an adequate number of staff has become even more critical to the maintenance of a successful program.

A lack of resources has hindered the Program's efforts since 2008. Due to the lack of consistent staffing and the inability to fill vacant positions, the Program has faced challenges in consistently performing timely inspections and a backlog of licensing actions has occurred. In the 2011 assessment of the Program, the NRC found Rhode Island adequate to protect the public health and safety, but in need of improvement. As a result, the program was placed on monitoring. Monitoring is a tool used by the NRC to maintain an increased level of communication with an Agreement State. In February 2012, the NRC sent the final results of the assessment to the Director of the State of Rhode Island's Department of Health and the letter accompanying the results conveyed the need to address staffing vacancies. In March 2014, the NRC sent an additional letter to the Director of the Department of Health highlighting the concerns over staffing vacancies and the impact on the Program's licensing and inspection activities. Since that time, there has been no change in the Program's ability to fill vacant positions. It is necessary to address the staffing vacancies in the Program to ensure the long-term success and viability of the Program.

- 2 -

I am bringing this matter to your attention for your consideration during Rhode Island's fiscal year 2017 budget process. Your support in helping to ensure that the Rhode Island Agreement State Program has the necessary resources and support to be effective is crucial.

I assure you that the NRC will continue to work closely with your Program to accomplish our mutual objectives of protecting public health and safety. The NRC remains committed to supporting Agreement State programs as we work together to protect the citizens of our Nation. We appreciate your commitment to this effort and the opportunity to bring this matter to your attention.

Sincerely,

/RA/

Stephen G. Burns

cc: N. Alexander-Scott, M.D., Director
Rhode Island Department of Health

S. Dixit, Director
Center for Health Facilities and Regulations
Rhode Island Department of Health